



UNITED STATES PATENT AND TRADEMARK OFFICE

75  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/359,793	07/26/1999	YOUICHI YAMADA	P7156-9038	3277

7590                    02/27/2003

AREN'T FOX KINTNER PLOTKIN & KAHN PLLC  
1050 CONNECTICUT AVENUE, N.W., SUITE 600  
WASHINGTON, DC 20036-5339

[REDACTED] EXAMINER

FLETCHER, MARLON T

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

2837

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/359,793	YAMADA ET AL.	
	<b>Examiner</b> Marlon T Fletcher	<b>Art Unit</b> 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 November 2002.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 are rejected under 35 U. S. C. 102(b) as being anticipated by Marx (6,175,632).

As recited in claims 1, 7, 9, and 10, Marx discloses an audio signal processing apparatus capable of changing the tempo of an input audio signal (12), said apparatus comprising: magnification designating means (38) capable of designating a plurality of different magnifications as discussed in column 16, lines 6-46 and as discussed in column 8, line 66 through column 9, line 5, wherein a range can be selected for BPMs, said different magnifications being at least one of  $1/n$  and  $n$ , wherein  $n$  is an integer as inherently understood by the change in tempo, wherein the change is by some number or a fraction thereof as discussed in column 8, line 66 through column 9, line 5, which represents integers (BPMs 50-95, 80-150, and 130-199), and column 16, lines 6-30, where the taps of button (38) provides an unmeasured change which could be an integer or fraction and as discussed in column 10, lines 27-43, wherein quarter-note and sixteenth note structures are utilized; means capable of automatically detecting beats per minute of the input audio signal (12) or a beat period of the input audio signal (12), changing said beats per minute or said beat period by computing the detected beats per minute or the detected beat period by computing the detected beats per minute or beat period with a

magnification designated by the magnification designating means, and changing the tempo of the input audio signal in accordance with the changed beats per minute or the changed beat period as discussed in column 16, lines 6-46. With respect to claims 9 and 10, based on the above, one could use magnifications  $\frac{1}{4}$ , 2, 4, and many other integers or fractions which provide BPMS ranging from 50-199.

As recited in claim 2, Marx discloses an audio signal processing apparatus, wherein manual designating means is provided for designating any optional value serving as a beats per minute and a beat period as discussed in column 8, line 66 through column 9, line 5.

As recited in claim 3, Marx discloses n audio signal processing, wherein fine adjustment means is provided to effect a fine adjustment on a beats per minute and a beat period as discussed in column 16, lines 6-46.

As recited in claim 4, Marx discloses an audio signal processing apparatus, wherein indicators (42, 44) are provided to indicate beats per minute and a beat period.

As recited in claim 5, Marx discloses an audio signal processing apparatus, wherein a mixer (10) is provided such that a changed tempo audio signal generated by changing the tempo of said audio signal may be mixed with said input audio signal, thereby producing a newly formed audio signal as disclosed in the abstract and as discussed in column 6, lines 22-28.

As recited in claim 6, Marx discloses an audio signal processing apparatus, wherein mixing ratio adjusting means is provided to adjust a mixing ratio, when said changed tempo audio signal generated by changing the tempo of said input audio signal is mixed with said input audio signal, thereby producing a newly formed audio signal as discussed in column 7, lines 16-29 and column 16, lines 15-33.

As recited in claim 8, Marx discloses an audio signal processing apparatus, wherein the input audio signal comprises an analog signal (12), the analog signal is converted into a digital signal at A/D converter (204), a signal level changing period of the digital signal is detected, and a plurality of level changing periods are automatically counted so as to automatically measure a BPM of the input audio signal as discussed in column 10, line 27 through column 11, line 17.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon Fletcher whose telephone number is (703) 308-0848.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Marlon T Fletcher  
Primary Examiner  
Art Unit 2837

MTF  
February 21, 2003